

EX PARTE	§	IN THE DISTRICT COURT
	§	TARRANT COUNTY, TEXAS
BARTON R. GAINES	§	213TH JUDICIAL DISTRICT

Applicant's Notice Of Deposition On Written Questions for **Richard L. Weaver**

To: **Richard Weaver**, 194 Doyle St, Nocona, TX 76255-1118, (817) 517-1332, Emails

rickweaver98@yahoo.com brk@yahoo.com doug1g@yahoo.com

kcw0204@windstream.net richardweaver@mail.com.

1. Please take notice that, under *Texas Rule of Civil Procedure* 200.1, Applicant, Barton R. Gaines, will take the deposition on written questions of **Richard L. Weaver** on (date): \_\_\_\_\_, at (time): \_\_\_\_\_, at 401 W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court.
2. The deposition will continue from day to day until completed.
3. The deposition will be taken by the 213th Judicial District Court's Court Reporter, Shelia Walker.

Respectfully submitted,

By: \_\_\_\_\_  
BARTON R. GAINES, Pro Se  
244 Siesta Court  
Granbury, Texas 76048  
Tel.: 682-500-7326  
Email bartongaines@gmail.com

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## The State of Texas Subpoena Deposition

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon **Richard L. Weaver**, who may be found at **194 Doyle St, Nocona, Montague County, TX 76255-1118, (817) 517-1332, Emails**

**rickweaver98@yahoo.com brk@yahoo.com doug1g@yahoo.com**

**kcw0204@windstream.net richardweaver@mail.com** or wherever found, to appear at 401

W. Belknap St., Ft. Worth, TEXAS 76196, in the aforementioned Judicial District Court, on

(date): \_\_\_\_\_, at (time): \_\_\_\_\_, to attend and give testimony at a

deposition in this case on behalf of the Applicant, and to remain in attendance from day to day until lawfully discharged.

**Duties of Person Served with Subpoena.** You are advised that under Texas Rule of Civil Procedure 176, a person served with a subpoena has certain rights and obligations. Rule 176.6 provides the following:

(a) Compliance required. Except as provided in this subdivision, a person served with a subpoena must comply with the command stated therein unless discharged by the court or by the party summoning such witness. A person commanded to appear and give testimony must remain at the place of deposition, hearing, or trial from day to day until discharged by the court or by the party summoning the witness.

(b) Organizations. If a subpoena commanding testimony is directed to a corporation, partnership, association, governmental agency, or other organization, and the matters on which examination is requested are described with reasonable particularity, the organization must designate one or more persons to testify on its behalf as to matters known or reasonably available to the organization.

(c) Production of documents or tangible things. A person commanded to produce documents or tangible things need not appear in person at the time and place of production unless the person is also commanded to attend and give testimony, either in the same

subpoena or a separate one. A person must produce documents as they are kept in the usual course of business or must organize and label them to correspond with the categories in the demand. A person may withhold material or information claimed to be privileged but must comply with Rule 193.3. A nonparty's production of a document authenticates the document for use against the nonparty to the same extent as a party's production of a document is authenticated for use against the party under Rule 193.7.

(d) Objections. A person commanded to produce or permit inspection or copying of designated documents and things may serve on the party requesting issuance of the subpoena - before the time specified for compliance - written objections to producing any or all of the designated materials. A person need not comply with the part of a subpoena to which objection is made as provided in this paragraph unless ordered to do so by the court. The party requesting the subpoena may move for such an order at any time after an objection is made.

(e) Protective orders. A person commanded to appear at a deposition, hearing, or trial, or to produce and permit inspection and copying of designated documents and things, and any other person affected by the subpoena, may move for a protective order under Rule 192.6(b) - before the time specified for compliance - either in the court in which the action is pending or in a district court in the county where the subpoena was served. The person must serve the motion on all parties in accordance with Rule 21 a. A person need not comply with the part of a subpoena from which protection is sought under this paragraph unless ordered to do so by the court. The party requesting the subpoena may seek such an order at any time after the motion for protection is filed.

(f) Trial subpoenas. A person commanded to attend and give testimony, or to produce documents or things, at a hearing or trial, may object or move for protective order before the court at the time and place specified for compliance, rather than under paragraphs (d) and (e).

**Contempt.** Failure by any person without adequate excuse to obey a subpoena served on the person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement or both. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to [identify court in which case is pending] with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

' This subpoena was issued at the request of Applicant Barton R. Gaines, whose attorney of record is Barton R. Gaines, 244 Siesta Court, Granbury, Texas, 76048, Tel: 682-500-2753. You may contact Barton R. Gaines's attorney to arrange another time and date.

ISSUED on \_\_\_\_\_, 2021.

By: \_\_\_\_\_  
Deputy District Clerk  
\_\_\_\_\_, District Clerk  
Tarrant Co., Tex.  
401 W. Belknap  
Ft. Worth, Texas. 76196

# Return of Service of Subpoena

I, \_\_\_\_\_, delivered a copy of this subpoena to **Richard Weaver** in person at \_\_\_\_\_, in \_\_\_\_\_, County, Texas, on \_\_\_\_\_, 2021, at \_\_\_\_\_ o'clock \_\_.m., and tendered to the witness a fee of \$ \_\_\_\_\_ in cash.

I, \_\_\_\_\_, was unable to deliver a copy of this subpoena to **Richard Weaver** for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By Deputy: \_\_\_\_\_

Sheriff/Constable \_\_\_\_\_

Tarrant County, Texas

# Acceptance of service of subpoena by Witness under Texas Rule of Civil Procedure 176

I accept service of this subpoena.

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Witness

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Date

FEE FOR SERVICE OF SUBPOENA: \$ \_\_\_\_\_

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## Deposition on Written Questions for Richard Weaver

(1. Whose birthday party & who else there?)

On the night Richard Rick Weaver, or Rick, was shot early 2002 Stephen A. Ancira, Jheen Marie Ancira, Gregory A. Peterson, or Greg, and Joel Chandler drove up to Fort Worth in Stephen's car to attend a friend's birthday party at a bar called JJ's Hideaway. What was the name of the friend whose birthday it was, and was there anybody there besides the five of you, not counting the person's whose birthday it was and, if yes, who?

(2. Drinking or drugs?)

Were you or anybody you were with doing drugs or drinking any alcohol and, if yes, what were you doing or what were you drinking and, if no, what were you doing, eating cake and ice cream?

(3. When leave; enemies?)

What time did you leave JJ's? That is, did you go anywhere else before heading home? That is, did you have anybody who may have wanted to cause any of you any harm for any reason whatsoever that you can recall or know of?

(4. Altercations?)

Did you or the others who were with you while there or elsewhere get into any kind of an altercation with anybody?

(5. Help!? Why no help?)

On the way home through Hood County in Granbury Stephen said that he pulled over to help some fellow stranded motorist and his dark-haired mistress. However, Beyond pulling over, Stephen didn't exhibit any signs of wanting or trying to help. If Stephen was indeed pulling over to help, or if he was indeed as concerned and worried about helping as he said, if known, why did he just simply get back in his car to leave? That is, Joel obviously had a cell phone; why not either offer the stranded motorist and his dark-haired mistress Joel's cell phone to call somebody for help, offer one or the other a ride to a store or someplace, that is, if he was so concerned, Why Stop only to drive off and leave them stranded in the middle of nowhere, that is, if he was indeed there to help?

(6. Asleep?! Passed out?)

Jheen, Joel, and Rick said they were asleep on the way home. That Jheen woke up at some point when Stephen encountered the other vehicle. But Rick and Joel didn't. Were Jheen, Joel, and Rick indeed asleep, or were they passed out drunk or high, dead to the world?

(7. Awake? Uppers?)

In their statements to the police Stephen and Greg said that they were awake and talking to each other before encountering the other vehicle. Had they not been drinking, etc., or were they on some kind of an upper like methamphetamines or cocaine? In other words, if everybody else were so sleepy on the way home, how come Stephen and Greg were so awake on the way home?

(8. When did Jheen "awake[?]"

At what point during the encounter with the other vehicle, if known, did Jheen awake? That is, was it when Stephen turned around and pulled up behind the other vehicle? Was it when Stephen got out closed the door behind him? When?

(9. Jheen; pharmacy technician?)

Stephen said in his testimony that Jheen was a pharmacy technician. If known, is she still a pharmacy technician and, if not, why? And what were her primary responsibilities or duties as a pharmacy technician? What did she do? Handle the narcotics? She obviously had access thereto.

(10. What kind of shirt? View?)

In Jheen's statement she gave to the police she said she couldn't remember what kind of shirt the to-be suspect was wearing. If known, was this because Jheen's only view of the suspect was as he was getting out or going to the truck? In other words, while the suspect, or to-be suspect, was standing outside the driver side door Stephen's car talking to Stephen, was the roof of Stephen's car and Stephen and himself blocking her view of the to-be suspect's face and shirt?

(11. Bullet fragment; insurance company and find?)

According to Stephen's insurance company, he took his car for repairs on 4-3-02; specifically for the bullet holes. If known, did Randy Green find the metal shaving that was thought to be the other part of the bullet that hit Rick, or did Stephen and, if Stephen, did Stephen find it before or after the bullet holes were repaired?

(12. Why no call cops; souvenir?)

If known, why didn't Stephen call the cops when he found this supposed bullet fragment, that is, if he really did think it was related to when Rick was shot? That is, did he want to keep it as a souvenir?

(13. Bullet fragment; contamination alternation?)

If known, what did Stephen use to remove it, the bullet fragment, from the side of the bullet hole, and what did he do with it afterwards? For example, did Stephen show anybody like friends and family? Did he show Rick? How did Stephen handle it? With care? And if Stephen handled it with care, if known, why? And how did he know, if known, he didn't get it mixed up with something else similar in appearance? Or how did he know he didn't scratch it?

(14. Goin didn't find anything; know?)

Did you know that a professional crime scene investigator looked at the bullet holes and found nothing?

(15. A second photo lineup; Goin?)

Did the Hood County Sheriff's Office ever contact you to try and identify a guy he may have thought was responsible for shooting Rick, that is, Hood County Sheriff's Office detective Goin?

(16. Try persuade Bart was suspect?)

Tarrant County district attorney investigators, Hubbard and Deleon, wrote they called Stephen almost a year after Rick was shot to meet them the next day at the Cotton Patch restaurant in Stephenville and that, when there, Stephen handed Hubbard and Deleon a piece of the bullet from when Rick was shot. While there did they show you pictures of Bart's truck and rifle and tell you where they found it, that is, in the toolbox where you said you seen the to-be suspect digging before you were fired upon, and did they tell you their suspect's girlfriend lived a few short miles away from where Rick was shot? In other words, did they try to convince you they might actually have found the guy responsible for shooting Rick?

(17. Temper info against inconsistencies?)

Hubbard and Deleon then wrote that they relocated to the Erath County Sheriff's Office for the purpose of using one of their interrogation rooms to show Greg, Jheen, and Stephen photo spreads or a photo lineup of their suspect to see if they could identify the man they thought they saw who shot Rick. If known, did Hubbard and Deleon inform Greg Jheen, and Stephen that their suspect was about 6 inches taller and 25 lbs. heavier than the guy who Stephen described, he, Stephen, stood face-to-face with?

(18. Suggest which photo was Bart's?)

If known, did they try to influence the procedure by asking Greg, Jheen, or Stephen if the guy in a particular position looked like the man who they saw the night Rick was shot?

(19. Remind a prior description of suspect's drunkenness?)

If known, did they remind Jheen and Stephen that their, Jheen's, prior description of the suspect looking to have been drunk, or their, Stephen's, prior description of the suspect being 5 foot 6 inches tall and 150 lb.?



(20. Confirm or deny identification results?)

Did either Hubbard or Deleon tell Greg, Jheen, or Stephen, if known, whether they did or didn't pick their suspect?

(21. Activities outside interrogation room?)

If known, did Hubbard or Deleon keep Greg, Jheen, and Stephen separated outside the interrogation room while they were taking their turns trying to identify their suspect? In other words, was Jheen able to pass off information that they told her that she identified their suspect and what position he was in? In other words, were you unattended outside the interrogation room, in the waiting room or whatever?

(22. Where Deputy seated in relation to Bart?)

If known, when Stephen, Jheen, and Rick met with the Tarrant County District Attorneys, Hartman and Foran, did either Hartman or Foran tell them what to expect and where everybody would be seated, the general layout, including where the three policemen would be seated in case somebody decided not to mind their manners, that is, like the guy who they were testifying against? In other words, did they tell them a cop would be sitting to their suspect's right?

(23. Why no call cops; bullet fragment?)

Did they ever ask Stephen, to your knowledge, why he didn't call the cops when he came upon the bullet fragments that he claimed he found, and / or how he cared for it there after?

(24. Rick's propensity toward drunkenness?)

If known, did Rick like to drink and party a lot? In other words, how good of friends were you?